

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NEC CORPORATION,

Plaintiff,

v.

HARRIS CORPORATION,

Defendant.

No. C-04-3736 MJJ

**ORDER REGARDING STIPULATED
PROTECTIVE ORDER**

On May 24, 2005, the parties filed a Stipulated Protective Order. The Court orders the parties to submit a revised Stipulated Protective Order complying with following requirements:

- 1) When defining what constitutes "Confidential Information," add a provision which provides that the information sought to be protected is properly subject to protection under FRCP Rule 26(c) and that counsel shall not designate any discovery material "CONFIDENTIAL" without first making a good faith determination that protection is warranted;
- 2) Provide detailed instructions for filing confidential materials under seal. In addition to placing documents in a sealed envelope with instructions that the document is filed pursuant to the Stipulated Protective Order and that the envelope is not to be opened absent further order of the court, the envelope should be labeled to identify the title of the case, the case number, and the title of the document;

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- 3) Add a provision which provides adequate means for challenging a confidentiality designation;
- 4) Add a provision placing the burden of proof on the party seeking protection to show that such protection is warranted;
- 5) The Agreement to Abide by Stipulated Protective Order (Attachment A) should include an acknowledgment that the party agrees to submit to the jurisdiction of this Court if any dispute arises over their use of the information; and
- 6) Designate a time limit on the Court's jurisdiction to enforce the terms of the Order (e.g. six months after final termination of the action).

IT IS SO ORDERED.

Dated: May 25, 2005

/s/
MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE